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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,679	12/14/2000	John E. Schier	062891.0434	2124

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Barton E. Showalter  
Baker Botts L.L.P.  
2001 Ross Avenue  
Dallas, TX 75201-2980

EXAMINER

TESLOVICH, TAMARA

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/737,679

Applicant(s)

SCHIER, JOHN E.

Examiner

Tamara Teslovich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on May 16, 2005 and June 10, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06.10.05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 5, 15-18, 32, and 33 have been cancelled.

Claims 1-4 and 19-31 are herein considered.

### ***Response to Arguments***

Applicant's arguments filed May 16, 2005 have been fully considered but they are not persuasive.

Applicant's first argument concerns the newly amended combination of "comparing the delay time interval to an activity associated with the system communication with the network, the activity being any communication between the system and the network" and "isolating the communication module from the network based on the comparison without terminating all power supplied to the communication module" of claim 1. In response, the Examiner would first like to point out that the Applicant has failed to rebuke the rejections presented in the previous office action relating to the Landwehr's teaching of the "comparing of the delay time interval to an activity associated with a system communication with the network", and therefor concedes that Landwehr does in fact teach it. Applicant has instead added the limitation, "the activity being any communication between the system and the network". The Examiner would like to draw the Applicant's attention to column 1 of Landwehr, lines 50-51 wherein Landwehr states, "another objective is to prevent access to a circuit

by any means simpler than direct physical altering of the circuit". The Examiner has taken this phrase to include access to the circuit by communication means, not including direct physical access.

As for the addition of the phrase "without terminating all power supplied to the communication module", the Examiner would like to draw the Applicant's attention to column 2 lines 13-16 of Landwehr, wherein it is stated, "because the invention necessarily disables only the input/output of the third circuit, the third circuit could still operate in isolation (e.g. running programs internally), saving lost work time". It is apparent from this citation that it is Landwehr's intent to *not* terminate all power from the unit so that specified programs would still be operable.

Therefore, based on the above arguments, the Examiner maintains the rejections as set forth below.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States;

(e) the invention was described in (1) an application for patent, published under section 122(b), by another files in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application

filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-4, 6-9, 11, 19, 21, 24, 25, 28, 30, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Landwehr et al (US Patent No 5,892,901).**

Regarding claim 1, Landwehr teaches a method for providing a secure operating environment for a network accessible system comprising accessing a delay timer operably coupled to a communication module, the delay timer including a delay time interval (col.5 lines 29-34); comparing the delay time interval to an activity associated with the system communication with the network (col.3 lines 45-65) the activity being any communication between the system and the network (col.1 lines 50-51); and isolating the communication module from the network based on the comparison (col.3 lines 4-6; col.3 lines 26-28; col.4 lines 31-40) without terminating all power supplied to the communication module (col.2 lines 13-16).

Regarding claim 2, Landwehr teaches disabling the communication module if the communication module remains idle for a time period greater than the delay time interval (col.3 lines 59-65).

Regarding claim 3, Landwehr teaches the disabling includes reducing a power state associated with the communication module (col.2 line 65 thru col.3 line 6).

Regarding claim 4, Landwehr teaches detecting a user initiated request to access the network; altering the power state of the communication module; initializing the communication module to communicate with the network; and initializing the delay timer (col.3 lines 25-65).

Regarding claim 6, Landwehr teaches the isolating further comprises disconnecting a communication port associated with the communication module (col.4 lines 30-34).

Regarding claim 7, Landwehr teaches initializing the delay time in response to the system initiating communication with the network (col.3 lines 32-38).

Regarding claim 8, Landwehr teaches adjusting the delay time interval using a software interface associated with a delay timer (col.4 lines 49-57).

Regarding claim 9, Landwehr teaches adjusting the delay time interval using a hardware interface associated with the delay timer (col.4 lines 49-57).

Regarding claim 11, Landwehr teaches accessing a network location; Disabling the communication module upon the communication module being idle for a time period greater than the delay time interval; and enabling the communication module upon determining a request to access the network location (col.3 lines 25-65).

Claims 19 and 21 are substantially equivalent to claims 1 and 11 respectively, therefore claims 19 and 21 are rejected because of similar rationale.

Regarding claim 24, Landwehr teaches a communication module operable to communicate information via the network (col.2 lines 65 thru col.3 line 6); a delay timer operably coupled to the communication module (col.5 lines 29-34); and the delay timer including a delay time interval and operable to disable communication between the communication module and the network (col.5 lines 29-34) without terminating all power to the communication module in response to a comparison of the delay time interval to any communication through the communication module (col.2 lines 13-16).

Regarding claim 25, Landwehr teaches a data bus coupled to the communication module and a processor; and the data bus operable to communicate information based on the delay time interval (col.2 line 61 thru col.3 line 7; col.3 lines 59-65).

Regarding claim 28, Landwehr teaches the delay time interval programmed via an interface associated with the delay timer (col.5 lines 29-34).

Regarding claim 30, Landwehr teaches a power state operably associated with the delay timer and the power state operable to provide power to the communication module (col.3 lines 22-25).

Regarding claim 31, Landwehr teaches a communication port communicatively coupling the communication module and the network; and the communication port operable based on the delay time interval (col.4 lines 30-34).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10, 20, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landwehr, and further in view of Namma et al (US Patent No 6,185,615).**

Regarding claim 10, Landwehr teaches the method of claim 1, but does not teach locating a reference within a memory associated with the delay timer, the reference operably associated with enabling the communication module; and removing the reference in response to the communication module being idle for a time period greater than the delay time interval.



Namma does teach locating a reference within a memory associated with the delay timer, the reference operably associated with enabling the communication module (col.6 lines 17-48); and removing the reference in response to the communication module being idle for a time period of greater than the delay time interval (col.6 lines 40-48). It would have been obvious to one of ordinary skill in the art to combine Landwehr's secure identification system with Namma's teaching of removing data associated with communication connection in order to provide an improved method of disconnecting communication between client and servers (Namma col.1 lines 52-54; col.6 lines 1-9).

Claim 20 is substantially equivalent to claim 10 and is rejected because of similar rationale.

Regarding claim 27, Namma teaches a communication module reference operable to be stored within memory (col.6 lines 18-22).

**Claims 12-14, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landwehr, and further in view of Namma et al and Virtanen (US Patent No 6,249,681).**

Regarding claim 12, Landwehr teaches disabling the communication module upon the communication module remaining idle for a time period greater than the delay

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time interval (col.3 lines 59-65), but does not teach storing a network reference operable to identify the network location; removing a communication module reference from a memory stack associated with the communication module, the communication module reference associated with enabling the communication module; and copying the communication module reference to the memory stick upon detecting a request by the system to access the network location.

Namma teaches storing a network reference operable to identify the network location removing a communication module reference from a memory stack associated with the communication module, the communication module reference associated with enabling the communication module (col.6 lines 17-48). It would have been obvious to one of ordinary skill in the art to combine Lanwehr's secure identification system with Namma's teaching of removing data associated with communication connection in order to provide the improved method of disconnecting communication between clients and servers (Namma col.1 lines 52-54; col.6 lines 1-9).

Virtanen teaches storing a network reference operable to identify the network location (col.4 lines 21-43), disabling the communication module upon the communication module remaining idle for a time period greater than the delay time interval (col.2 lines 42-51), and copying the communication module reference to the memory stack upon detecting a request by the system to access the network location (col.5 lines 1-7). It would have been obvious to one of ordinary skill in the art to combine Landwehr's secure identification system with Virtanen's teaching of re-establishing communication in order to provide an improved and more efficient method

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that re-establishes communication between the parties after communication has been disconnected, interrupted, or disabled (col.3 lines 23-33; col.3 lines 40-58).

Regarding claim 13, Landwehr, Namma and Virtanen teach the method of claim 12, in addition Virtanen teaches enabling the communication module and accessing the network location using the network reference (col.5 lines 1-7).

Regarding claim 14, Landwehr, Namma, and Virtanen teach the method of claim 12, in addition Landwehr teaches initializing the delay timer upon detecting a user initiated request to access the network (col.3 lines 32-37).

Claims 22 and 23 are substantially equivalent to claims 12 and 13 respectively and are rejected because of similar rationale.

**Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landwehr, and further in view of Virtanen.**

Regarding claim 26, Landwehr teaches the device of claim 24, but does not teach a memory operable to store the delay time interval. Virtanen teaches a memory operable to store the delay timer interval (col.6 lines 38-40; col.8 lines 54-62). It would have been obvious to one of ordinary skill in the art to combine Landwehr's secure identification system with Virtanen's teaching of re-establishing communication in order

to provide an improved and more efficient method that re-establishes communication between parties after communication has been disconnected, interrupted, or disabled (col.3 lines 23-33; col.3 lines 40-58).

**Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Landwehr, and further in view of Yoshida (US Patent No 5,495,480).**

Regarding claim 29, Landwehr teaches the device of claim 28 but does not teach the delay time interval programmed using a delay time interval reference and a communication module reference. Yoshida teaches the delay time interval programmed using a delay time interval reference and a communication module reference (col.1 lines 34-35; col.2 lines 21-41; col.3 lines 20-27; col.5 lines 10-43). It would have been obvious to one of ordinary skill in the art to combine Landwehr's secure identification system with Yoshida's teachings of a disconnecting timer circuit in order to provide a time dependent disconnecting circuit that is able to accommodate higher level applications (Yoshida col.1 lines 35-60).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



T. Teslovich  
August 19, 2005



MATTHEW SMITHERS  
PRIMARY EXAMINER  
*Art Unit 2137*